

Executive Registry
76-4246/1
DD/A Registry
76-6232

OGC 76-7184
14 December 1976

MEMORANDUM FOR : SA/DDCI

ATTENTION :

FROM :
Associate General Counsel

SUBJECT : Proposed HN

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1. We have some difficulties and suggestions concerning
HN some of which are:

a. As I understand it, there now is no magic in the 9 December deadline since the moratorium officially expired on 10 December and this apparent effort to establish a new regulation by that date, has now failed. advises in any event that no records have yet been approved for destruction by the Congressional committies involved and therefore, as a practical matter, the moratorium is still in place.

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b. I think the wrong tone is conveyed by indicating in the very first sentence that criminal law provides sanction against unauthorized destruction of records. It is not to be presumed that Agency employees will engage in the unauthorized destruction of records. The purpose of the Notice should be to spell out the requirements for destruction.

c. I doubt that "by law" the Archivist of the United States "must approve standard form 115" prior to destruction of records.

d. It is stated in paragraph 2 that a "procedure has been established to routinely approve destruction of inactive records in the Agency Records Center." I think records in the Agency Records Center also must be subjected to special approval

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procedures in order to assure compliance with the commitment in HN against destruction of records involved in litigation or investigations, etc.

e. There is a reference in mid-paragraph 2 to "official investigations of the Agency." I think this term is not sufficiently broad. Records may not be destroyed if they are "of interest in matters under investigation by the Justice Department, "whether or not the investigation is an investigation of the Agency.

2. You may want to return the Notice to the Regulations Control Branch. We will be glad to assist with revision.

3. As a stop gap measure pending the issuance of the Notice, we propose a letter to the DDA requesting that he instruct the CIA Records Management Officer to take the necessary steps to make certain that no records are destroyed without the necessary approval required by

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Approved For Release 2002/10/21 : CIA-RDP86-00895R000100010060-7

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Approved For Release 2002/10/21 : CIA-RDP86-00895R000100010060-7